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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,572	07/29/2003	Dean Robert Rosendahl	83871-202 ADB	4084

23529 7590 09/22/2005

ADE & COMPANY
1700-360 MAIN STREET
WINNIPEG, MB R3C3Z3
CANADA

EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,572	Applicant(s) ROSENDAHL, DEAN ROBERT	
	Examiner Shelley Self	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/29/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) 26-37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7, 9-19, 38-43 and 46 is/are allowed.
- 6) ☒ Claim(s) 6, 8, 20-25, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on June 29, 2005 has been considered but is ineffective to place the application in condition for allowance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 6, 8, 20-25, 40, 44 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims fail to positively set forth antecedent basis for the following:

“the first suction opening” (clms. 6, 8, 23, 41, 44, 45)

“the work surface” (clm. 20, line 24)

With regard to claims 6, 8, 23, 41, 44 and 45 if is not clear if “the first suction opening” refers to “a suction opening” recited in the parent claims. The first implies more than one opening exists. For clarity, Examiner suggest the parent/independent claims read, --at least a first suction opening—

All of the claims should be reviewed for proper antecedent basis.

Appropriate correction is required.

Response to Arguments

Applicant's arguments, filed June 29, 2005 have been fully considered and are persuasive.

Allowable Subject Matter

Claims 1-5, 7, 9-19, 38-43 and 46 are allowable over the prior art of record.

Claims 6, 8, 20-25, 44 and 45 would be allowable if re-written to overcome the 35 U.S.C. 112 rejection(s).

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does disclose or fairly suggest a method or apparatus comprising *providing a plate defining a surface of the plate with the surface in contact with the workpiece; providing a suction opening at the surface of the plate or at the upper table surface; providing the suction opening at the surface* in combination with the rest of the claimed limitations as set forth in claims 1, 20, 38, 43 and 46.

The prior art of record, Brazell discloses a method of machining a workpiece providing a router and router table construction. Brazell discloses a router mounted underneath a table (fig. 1) for allowing a workpiece to be moved relative the route bit on top of the router table. Brazell teaches that the router is mounted to the underside of the router table via a mounting plate (fig. 20). Further Brazell teaches that the mounted plate has two through holes, one opening through which the bit of the router extends to contact a workpiece and another opening (132) for attachment to a vacuum hose or suction device for removing material waste generated from the cutting/shaping operation of the router onto the workpiece. Brazell does not disclose a plate

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defining a surface of the plate with the surface in contact with the workpiece; providing a suction opening at the surface of the plate or at the upper table surface; providing the suction opening at the surface. Instead Brazell discloses that it is the surface of the table that is in contact with the workpiece and that it is the mounting plate (20) including a suction opening, the mounting plate being mounted below the table; thus the surface of the table covers the mounting plate and does not disclose a suction opening at the surface. Accordingly, Brazell fails to anticipate or render obvious the claimed invention as set forth in claims 1, 20, 38 and 46.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 20, 38 and 46. Accordingly, claims 1-25 and 38-46 contain allowable subject matter over the prior art of record.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf
September 19, 2005


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700